IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2585 OF 2006
IN
FIRST APPEAL (ST.)NO.37254 OF 2003

ALONG WITH

C.A 2587/2006 in F.A.(ST) NO. 37270/2003
C.A 2590/2006 in F.A.(ST) NO.37273/2003
C.A 2592/2006 in F.A.(ST) NO.37253/2003
C.A 2594/2006 in F.A.(ST) NO.37245/2003
C.A 2596/2006 in F.A.(ST) NO.37261/2003
C.A 2598/2006 in F.A.(ST) NO.37246/2003
C.A 2600/2006 in F.A.(ST) NO.37267/2003

The State of Maharashtra ..Applicant.
Vs.
Ganesh Pandurang Tandel ..Respondent.

....

Mr. K.K. Tated, AGP for the Applicant.
Mr. Rahul Thakur for the Respondents. (in CA 2585, 2592, 2594, 2596, 2598 and 2600 of 2006)
Mr. K.J. Kandpile for the Respondents. (in CA 2587 and 2590 of 2006).

CORAM: **SWATANTER KUMAR, C.J. &**
DR. D.Y. CHANDRACHUD, J.

11th September, 2007.

P.C. :

We have heard the learned counsel appearing for the parties. The Reference Court has awarded compensation at the

rate of Rs.100/- per sq. mtr. The contention on behalf of the State is that the compensation is unreasonably excessive. However, on the other hand, the claimants claim that their lands are situated at a short distance from national highway. While a valuer had submitted a report that the market value of the land was between Rs.1,150/- per sq. mtr.

However, without expressing any opinion on the merits, we are of the view that it would be in the interest of justice if the State is directed to deposit the entire amount in the Reference Court and claimants are allowed to withdraw 50% of the said amount without furnishing security. Ordered accordingly. The remaining amount shall be invested in a nationalised bank. The Civil Applications are disposed of accordingly.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.